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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wing K. Cheung, et al.

Serial No.: 10/775,928

Filed: February 10, 2004

Art Unit: 1654

Examiner: Jeffrey E. Russel

For:

PHARMACEUTICAL COMPOSITIONS OF ERYTHROPOIETIN

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

November 9, 2005

/Myra H. McCormack/

Date

Signature

Myra H. McCormack

COMMISSIONER FOR PATENTS

P. O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL

Dear Sir:

Applicant(s) hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated May 9, 2005, finally rejecting Claims 12, 14-33, and 35-42 of the above-identified application.

The item(s) checked below are appropriate:

1. An extension of time to respond to the final rejection was filed on October 10, 2005 for two (2) month(s), along with a Terminal Disclaimer.
2. A Petition For Extension Of Time under 37 CFR 1.136 is attached hereto in triplicate.
3. A timely response to the final rejection has been filed.
4. Fee \$500.00: for filing of Notice of Appeal
 Not required (fee paid in prior appeal)
 Charge to Deposit Account No. 10-0750/ORT0980CNT/FDC. Two additional copies of this Notice are enclosed herewith.
 The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment in connection herewith to Deposit Account No. 10-0750/ORT0980CNT/FDC.

Respectfully submitted,

/Myra H. McCormack/

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